

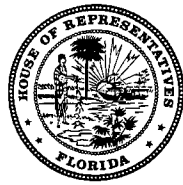


Judiciary Appropriations Committee

Friday, March 10, 2006

9:30 a.m.

28 House Office Building



Florida House of Representatives

Fiscal Council
Judiciary Appropriations Committee

Allan Bense
Speaker

Jeff Kottkamp
Chair

Agenda for
Date: Friday, March 10, 2006
Location: 28 House Office Building, Tallahassee, FL
Time: 9:30 a.m.

- I. Call to Order
- II. Roll Call
- III. HB 113 by Negron on Judges
- IV. Discussion of Trust Fund and Technical Issues
- V. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 113 Judges

SPONSOR(S): Negron and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 364, SB 766

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Judiciary Appropriations Committee		Brazzell <i>WJ</i>	<i>[Signature]</i> DeBeaugrine
2) Judiciary Committee			
3) Fiscal Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

The Supreme Court issued Order No. SC05-2120, dated December 15, 2005, certifying the need for a total of 66 additional appellate, circuit, and county judges.

HB 113 establishes 32 new circuit judges and 22 new county court judges for a total of 54 new judges.

Estimated annual recurring costs will be \$13 million. The new judges will be established beginning December 1, 2006. The estimated cost for Fiscal Year 2006-07 is \$7.29 million.

The bill sponsor is expected to offer a strike-all amendment at the Judiciary Appropriations Committee meeting to conform the bill to the Supreme Court's certification.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

The Supreme Court of Florida issued SC05-2120 on December 15, 2005, in regard to the Certification of Need for Additional Judges. In the certification, the court recommended 40 new circuit judges, 24 new county judges and 2 new appellate judges for a total of 66 new judges.

HB 113 establishes 32 new circuit judges and 24 new county court judges effective December 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., establishing new circuit judges.

Section 2. Amends s. 34.022, F.S., establishing new county court judges.

Section 3. Provides an effective date of December 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires a recurring appropriation to the state courts of \$6.99 million and a nonrecurring appropriation of \$293,160 from the General Revenue Fund to cover the cost of 149 new positions, including judges, judicial assistants, and law clerks; associated expenses; OCO; and special category expenses for a portion of Fiscal Year 2006-2007. Subsequent annual recurring appropriations will total approximately \$13 million. The bill also requires salary rate of 9,625,548.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under section 29.008, Florida Statutes, counties are responsible for facilities, security, communications and information technology costs for county and circuit courts. This bill could result in additional costs in these areas.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

Not applicable.

HB 113

2006

1 A bill to be entitled
2 An act relating to judges; amending s. 26.031, F.S.;
3 revising the number of circuit court judges in certain
4 circuits; amending s. 34.022, F.S.; revising the number of
5 county court judges in certain counties; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsections (1), (2), (4) through (7), (9)
11 through (11), (13), and (17) through (20) of section 26.031,
12 Florida Statutes, as amended by chapter 2005-150, Laws of
13 Florida, are amended to read:

14 26.031 Judicial circuits; number of judges.--The number of
15 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First.....	<u>24</u> 22
(2) Second.....	<u>17</u> 16
(4) Fourth.....	<u>33</u> 32
(5) Fifth.....	<u>32</u> 28
(6) Sixth.....	<u>46</u> 44
(7) Seventh..	<u>28</u> 26
(9) Ninth...	<u>43</u> 40
(10) Tenth...	<u>29</u> 26
(11) Eleventh..	<u>81</u> 77
(13) Thirteenth..	<u>43</u> 41
(17) Seventeenth.	<u>59</u> 56

HB 113

2006

29 (18) Eighteenth... ..26 ~~25~~
30 (19) Nineteenth... ..19 ~~18~~
31 (20) Twentieth... ..26 ~~23~~
32 Section 2. Subsections (5), (6), (11), (12), (28), (35),
33 (41), (43), (48), and (50) through (52) of section 34.022,
34 Florida Statutes, as amended by chapter 2005-150, Laws of
35 Florida, are amended to read:
36 34.022 Number of county court judges for each county.--The
37 number of county court judges in each county shall be as
38 follows:

40	COUNTY	TOTAL
41	(5) Brevard..	<u>12</u> 9
42	(6) Broward..	<u>32</u> 28
43	(11) Collier..	<u>5</u> 3
44	(12) Columbia..	<u>2</u> 1
45	(28) Hillsborough.	<u>19</u> 17
46	(35) Lee.	<u>8</u> 7
47	(41) Marion...	<u>5</u> 4
48	(43) Miami-Dade..	<u>43</u> 42
49	(48) Orange...	<u>18</u> 16
50	(50) Palm Beach..	<u>19</u> 18
51	(51) Pasco..	<u>6</u> 5
52	(52) Pinellas...	<u>18</u> 15
53	Section 3. This act shall take effect December 1, 2006	

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 113

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Judiciary Appropriations

Committee

Representative(s) Negron offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Effective September 1, 2006, subsections (1),
(2), (4) through (7), (9) through (14), and (17) through (20) of
section 26.031, Florida Statutes, are amended to read:

26.031 Judicial circuits; number of judges.--The number of
circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
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(1) First....	<u>23</u> 22
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(2) Second....	<u>17</u> 16
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(4) Fourth....	<u>33</u> 32
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(5) Fifth....	<u>30</u> 28
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(6) Sixth....	<u>45</u> 44
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(7) Seventh....	<u>27</u> 26
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(9) Ninth....	<u>41</u> 40
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(10) Tenth....	<u>27</u> 26
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(11) Eleventh....	<u>79</u> 77
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- (12) Twelfth....20 ~~19~~
(13) Thirteenth....43 ~~41~~
(14) Fourteenth....11 ~~10~~
(17) Seventeenth....57 ~~56~~
(18) Eighteenth....26 ~~25~~
(19) Nineteenth....19 ~~18~~
(20) Twentieth....27 ~~25~~

Section 2. Effective September 1, 2006, subsections (5), (6), (8), (11), (48), (51), and (52) of section 34.022, Florida Statutes, are amended to read:

34.022 Number of county court judges for each county.--The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
--------	-------

- | | |
|-------------------|-------------------------|
| (5) Brevard.... | <u>11</u> 9 |
| (6) Broward.... | <u>31</u> 28 |
| (8) Charlotte.... | <u>3</u> 2 |
| (11) Collier.... | <u>6</u> 5 |
| (48) Orange.... | <u>17</u> 16 |
| (51) Pasco.... | <u>6</u> 5 |
| (52) Pinellas.... | <u>17</u> 15 |

Section 3. Effective December 1, 2006, subsections (1), (4), (5), (7), (9) through (13), (17), and (20) of section 26.031, Florida Statutes, as amended by this act, are amended to read:

26.031 Judicial circuits; number of judges.--The number of circuit judges in each circuit shall be as follows:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

JUDICIAL CIRCUIT	TOTAL
(1) First.... <u>24</u> 23	
(4) Fourth.... <u>35</u> 33	
(5) Fifth.... <u>32</u> 30	
(7) Seventh.... <u>28</u> 27	
(9) Ninth.... <u>43</u> 41	
(10) Tenth.... <u>28</u> 27	
(11) Eleventh.... <u>81</u> 79	
(12) Twelfth.... <u>21</u> 20	
(13) Thirteenth.... <u>45</u> 43	
(17) Seventeenth.... <u>59</u> 57	
(20) Twentieth.... <u>31</u> 27	

Section 4. Effective December 1, 2006, subsections (5), (6), (15), (35), (41), (43), and (48) through (53) of section 34.022, Florida Statutes, as amended by this act, are amended to read:

34.022 Number of county court judges for each county.--The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(5) Brevard.... <u>12</u> 11	
(6) Broward.... <u>33</u> 31	
(15) Duval.... <u>17</u> 16	
(35) Lee.... <u>8</u> 7	
(41) Marion.... <u>5</u> 4	
(43) Miami-Dade.... <u>43</u> 42	
(48) Orange.... <u>18</u> 17	
(49) Osceola.... <u>4</u> 3	
(50) Palm Beach.... <u>19</u> 18	

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(51) Pasco....7 ~~6~~

(52) Pinellas....18 ~~17~~

(53) Polk....10 ~~9~~

Section 5. Effective September 1, 2006, subsections (2) and (4) of section 35.06, Florida Statutes, are amended to read:

35.06 Organization of district courts of appeal.--A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, _____ District. The number of judges of each district court of appeal shall be as follows:

(2) In the second district there shall be 15 ~~14~~ judges.

(4) In the fourth district there shall be 13 ~~12~~ judges.

Section 6. One hundred and forty-nine full-time positions and 11,897,925 in associated salary rate are authorized, and the sums of \$11,639,020 in recurring funds and \$385,448 in nonrecurring funds are hereby appropriated from the General Revenue Fund to the State Courts for the 2006-2007 fiscal year.

Section 7. Except as otherwise expressly provided herein, this act shall take effect upon becoming a law

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of appellate court judges in certain appellate districts;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 providing appropriations and authorizing positions; providing
116 effective dates.
117